

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| WALID JAMMAL, <i>et al.</i> |) | |
| |) | |
| Plaintiffs, |) | Case No. 1:13 CV 437 |
| v. |) | |
| |) | |
| AMERICAN FAMILY INS. GRP., <i>et al.</i> |) | |
| |) | Judge Donald C. Nugent |
| Defendants. |) | |
| |) | |

**ORDER GRANTING PLAINTIFFS' MOTION
FOR APPROVAL OF PLAINTIFFS' PLAN FOR CLASS NOTICE**

WHEREFORE, the Court has considered Plaintiffs' Motion for Approval of Plaintiffs' Plan for Class Notice and accompanying documents, and IT IS HEREBY ORDERED that:

1. All requirements of Fed. R. Civ. P. 23(c)(2) having been met, it is hereby ORDERED, DECREED, and ADJUDGED that the Motion is hereby GRANTED. The Court approves the proposed form of notice (“Notice”), attached as Exhibits A and B to the Declaration of Edward A. Wallace (“Wallace Decl.”), submitted with Plaintiffs’ memorandum in support of the Motion, for dissemination substantially in the form proposed by the Plaintiffs and attached to their Motion (the “Notice Plan”), but with the revisions set forth below.

2. The Court notes American Family’s objections to the Notice and Notice Plan regarding whether a right of opt-out exists in this case and its belief that class members should be given more information. Those objections are hereby OVERRULED, except that:

- (1) The Plaintiffs shall substitute the proposed modification set forth in the Plaintiffs' Reply Brief (ECF #171) at page 4 for the language in paragraph eleven of the draft long form notice, found in Exhibit B of the Plaintiffs Motion for Approval of Their Plan for Class Notice (ECF #169-3).
- (2) The Plaintiffs shall revise the second to the last sentence of the paragraph headed "What are my rights & options?" in the draft short form notice, found in Exhibit A of the Plaintiffs' Motion for Approval of Their Plan for Class Notice (ECF #169-2), to read as follows:

To ask to be excluded from the damages portion of this case, send a letter to the return address postmarked by Month 00, 2016 stating that you want to be excluded from the damages portion of *Jammal, et al v. American Family Ins. Group, et al.*, Case No. 13-cv-00437.

3. The Court approves the proposed Notice Plan, with the revisions to the Notice set forth above, and finds that it provides the best notice practicable under the circumstances, provides due and sufficient notice to all persons entitled thereto, and therefore satisfies the requirements of due process and of Rule 23(c)(2) of the Federal Rules of Civil Procedure.

4. Kurtzman Carson Consultants LLC ("KCC") is appointed "Notice Administrator" and is approved to supervise and administer the Notice Plan. The Notice Administrator will be responsible for: (a) establishing a P.O. Box, information telephone line, and website for the purpose of communicating with Class members; and (b) disseminating the Notice to the Class.

5. The Notice Administrator shall cause a copy of the Notice, substantially in the form provided as Exhibit B to the Wallace Decl., including the revisions set forth above to be: (a) mailed by first class mail, postage prepaid no later than four (4) weeks following the entry of this Order, to all members of the Class identified by the Parties through the efforts described in in

Paragraph 4 of this Order; and (b) provided to all persons who request it.

6. The Notice Administrator shall also cause a website to be established for the purpose of this settlement, www.Americanfamilyclassaction.com (the "Notice Website") within ten (10) days after the entry of this Order. The Notice will direct Class members to the Notice Website.

7. Class members will be advised in the Notice of their right to exclude themselves from the damages portion of the Class claims, and instructed in the Notice and on the Website as to the procedure for submitting a request for exclusion. The Notice shall state that, to be timely, written requests for exclusion from the damages portion of the Class claims must be received by the Notice Administrator no later than ninety (90) days after the date of the first mailed Notice. This date shall be specified in the Notice documents.

IT IS SO ORDERED.


Donald C. Nugent
United States District Judge

DATED: October 21, 2016